

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Mitchelle Levone Kennedy aka Michelle  
L Kennedy,  
Debtor(s).

CHAPTER 13  
CASE NO.: 21-02009-hb

OBJECTION TO CONFIRMATION OF  
DEBTOR'S CHAPTER 13 PLAN

U.S. Bank National Association (as successor-in-interest to Bank of America, N.A., as successor by merger to LaSalle Bank National Association), as trustee, on behalf of the holders of the GSAMP Trust 2006-HE4 Mortgage Pass-Through Certificates, Series 2006-HE4 (the “Creditor”), a secured creditor, hereby objects to the confirmation of the Debtor’s Chapter 13 Plan on the following grounds:

1. The Creditor is the holder of a note and first mortgage on real property located at 423 Savanna Plains Drive, Spartanburg, SC 29307 (the “Subject Property”).
2. Debtor’s proposed Chapter 13 plan, ECF Doc. No. 11, states that it will treat the Creditor’s pre-petition arrearage through a prospective loan modification.
3. Debtor’s Plan proposes only that Debtor will submit an application for a modification within 30 days of the initial confirmation hearing. The confirmation hearing is scheduled for October 21, 2021.
4. Creditor objects to Debtor’s Plan because it would allow Debtor to delay initiating the modification review process for months while neither curing nor maintaining payments.
5. Creditor objects to Debtor’s Plan because it does not provide for relief in the event that loss mitigation is denied.
6. Upon information and belief, the Loan is contractually due for November 1, 2017. Due to the serious delinquency of this loan, the Creditor requests adequate protection payments during any loss mitigation review.

7. Debtor's Scheduled A/B indicates the mortgaged property is his principal residence.

8. Debtor's proposed Chapter 13 plan does not conform to 11 U.S.C. §1322(b)(2) and §1322(b)(5).

WHEREFORE, the Mortgage Creditor prays that the Court deny confirmation of Debtor's Plan as filed.

/s/Brian P. Yoho

Brian P. Yoho (I.D. 13486)  
Attorney for the Mortgage Creditor  
Post Office Box 100200  
Columbia, SC 29202  
(803) 744-4444

Columbia, South Carolina  
August 17, 2021

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CERTIFICATE OF SERVICE

I, the undersigned employee of ROGERS TOWNSEND & THOMAS, PC, do hereby certify that a copy of the Objection to Confirmation of Debtor's Chapter 13 Plan was mailed to the parties listed below:

Mitchelle Levone Kennedy aka Michelle L Kennedy (via USPS)  
423 Savanna Plains Drive  
Spartanburg, SC 29307

Gretchen D. Holland (via electronic service)  
Ch. 13 Trustee Office  
20 Roper Corners Circle, Suite C  
Greenville, SC 29615

Christopher M. Edwards (via electronic service)  
Moss & Associates  
1900 Laurens Road  
Greenville, SC 29607

/s/ Ressie Register

ROGERS TOWNSEND, LLC  
Ressie Register, Bankruptcy Paralegal  
P.O. Box 100200  
Columbia, SC 29202  
(803) 744-4444

Columbia, South Carolina  
August 17, 2021